

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 1:05-cr-239-01

Plaintiff,

v.

Hon. Richard Alan Enslen

JASON LOUIS TINKLENBERG,

ORDER

Defendant.

/

This matter is before the Court on Defendant Jason Louis Tinklenberg's two Motions for Reconsideration of the Court's Order of December 15, 2006, granting the Government's Motion to Compel Defendant to Pay Restitution for Hazardous Materials Cleanup. Under Rule 47.3(a), Defendant must demonstrate that the Court's Order suffers from a palpable defect, and must "also show that a different disposition of the case must result from a correction thereof." W.D. MICH. LCR 47.3(a).

In these Motions (which are nearly identical), Defendant has failed to show any palpable defect of the Order, nor has he demonstrated that a different disposition of the case must result. Defendant has merely argued that because he is indigent, he should not be compelled to pay restitution.¹ The Court previously addressed Defendant's ability to pay and the schedule of payments during Defendant's sentencing, and the Court declines to do so again. Accordingly,

IT IS HEREBY ORDERED that Defendant Jason Louis Tinklenberg's Motions for Reconsideration (Dkt. Nos. 142 & 144) are **DENIED**.

DATED in Kalamazoo, MI:
January 8, 2007

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE

¹Defendant has also argued that he was not found guilty by a reasonable doubt. Again, the Court notes that these arguments are appropriate for appeal but have no bearing on the Motion to Compel Restitution or this Motion for Reconsideration.